

Ontario Provincial Conference of the Bricklayers, Masons
CA20N and Plasterers' International Union

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This submission has been prepared on behalf of the Ontario Provincial Conference, affiliated to the Bricklayers', Masons' and Plasterers' International Union of America, representing a membership of 5000 Workers across the Province of Ontario.

For the past twenty years or more, it has been the experience of our organization of being able to boast with a great measure of pride to people who resided outside of the Province of Ontario, that the Workmen's Compensation Act in this Province, its personnel, method of handling claims, interviews at the Board Offices or by one of the Board's Inspectors, was all carried out in the most efficient and most pleasant atmosphere, which in the final analysis won the Board and its personnel, respect in the highest regard.

While we may have to agree at times that the United States of America is ahead of Canada in some areas of development, they are nevertheless trailing in most if not all States, when one is able to compare their various Workmen's Compensation Acts and their workings to that of ours in the Province of Ontario. We boast to our American Brothers of the fairness of the workings of our Act. We were totally amazed to learn that in many areas of the U.S.A., the worker was forced by law, to go through the procedure of litigation before recognition could be given to a case being established on behalf of the injured workman. In this regard we were of the opinion that our American Brothers were living under and being subjected to back woods legislation.



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We are satisfied, Mr. Commissioner, that our past experiences could only command us to respect and to admire the past procedures, to what we would have to now say, the old Workmen's Compensation Board.

One would be correct in asking the question, "What do you mean when you say the Old Workmen's Compensation Board?" The answer is quite simple. The workings and procedures of the new administration is doing nothing less than causing chaos, undue long periods for appeal hearings, not allowing persons to appear before a Review Committee in the delay or doubt of a claim.

One must appreciate the fact that it is most difficult to explain in letter form and try to portray the same understanding which can be portrayed in a personal interview.

This reasoning is supported most factually in the case of Mr. A. Merlino, Claim No. 5986894, who under the instruction of his Physician, had to cease working because of his injury in April, 1965. Because of this action and because many months elapsed without receiving any compensable benefits from the Board, Mr. Merlino through his local union representative requested myself as President of the Ontario Provincial Conference to intercede on his behalf.

In contacting the Board Officers, I learned that the case was before the Review Committee and that it was not permissible for me to appear before the Committee, but I was informed that it was permissible to write to the Committee and they would review my correspondence.

The Review Committee rejected the claim and the matter was referred to the Appeals Tribunal of the Board and the hearing was held on the 28th day of January, 1966, which was ten (10) months after the injured workman's layoff of April 2, 1965. This long delay was totally unnecessary because the Appeals Tribunal upheld the claim of the injured workman.

Apart from the unnecessary long delay, one of the most disturbing factors was, when we were notified that the case had been referred to the Appeals Tribunal and that the Board refused to furnish the workman with all of the facts upon which they based their decision. The Board did, however, provide us with a summary of information, but this of course, fell far short of all the facts involved.

It is therefore our submission, that the Board's new and present procedure is an introduction that is totally unnecessary and is depriving the Board of retaining the respect and admiration that it once enjoyed from the Labour Movement and the Workers in general, throughout the Province of Ontario.

We do therefore, Mr. Commissioner, recommend to you the following:

1. After careful study of the Board's past and present practices and procedures, that you recommend that the practices and procedures revert back to that of a couple of years ago.
2. If it is necessary that a doubtful claim be submitted to a review committee, that personal representation be allowed to appear before the review committee, which could prevent unnecessary and long delays in establishing a claim.

3. If it is necessary that a doubtful claim be submitted before an Appeals Tribunal, that the injured workman or his appointed representative be furnished with a complete and detailed record of evidence upon which the Review Committee's decision rejected the claim.

4. That if it is necessary to deviate from the Board's past policy and procedure, that long service Officials of the Board who have knowledge and experience of the workings of the Board's practice and procedure be allowed either individually or collectively to submit their views to any changes prior to the new procedures being introduced and before it becomes policy of the Board.

All of which is respectfully submitted for your careful study and consideration.

Don Williams
President
Ontario Provincial Conference

